

Remarks

This paper is filed in response to the Office Action mailed August 26, 2010 in which claims 1-4, 6-14, 16-30 and 32-33 were pending in the application. All pending claims stand rejected. By this paper, claim 33 is amended to correct a typographical error.

For at least the reasons set forth below, Applicants submit that each of the pending claims is patentably distinct from the cited prior art and is in condition for allowance.

Rejections Under 35 U.S.C. § 112.

Claims 1-4, 6-14, 16-30 and 32-33 stand rejected under 35 U.S.C.112, first paragraph as allegedly failing to comply with the written description requirement. The Examiner contends that there is no support in the specification for the cover being adhered to the struts. In response, Applicants have amended the specification to include the language of claim 14 as originally filed. The amended paragraph contains the phrase "in one embodiment, the cover adheres completely to contours of the stent struts." This language unambiguously supports claims to a cover which is adhered to the interior surface of the stent struts. As such, the rejection based on 35 U.S.C. §112 should be withdrawn.

Rejections Under 35 U.S.C. § 102

Claims 1-4, 6-14, 16-30 and 32-33 stand rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,139,573 issued to Sogard et al. ("Sogard") and by U.S. Patent No. 6,913,617 issued to Reiss ("Reiss"). "A claim is anticipated

only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987), see MPEP 2131. Here, Sogard does not disclose a stent where the cover adheres to the struts of the stent, and Reiss does not disclose a stent where the coating covers the area between the struts to which the coating is adhered. Thus, Sogard and Reiss do not anticipate claims 1-4, 6-14, 16-30 and 31-32.

All of the pending claims, as amended, contain the limitation that the cover adheres to the interior surface of a plurality of the struts. Sogard, on the other hand, set out to solve the problem that "it has been heretofore difficult to attach stents to grafts made from ePTFE" because "ePTFE is inherently resistant to adhesive bonding." Thus, the invention of Sogard "seeks to overcome difficulties of attaching ePTFE material to a stent by using an anchoring material which can be carried into and entrapped in the porous surface of ePTFE." Sogard, column 2, lines 35-51.

Consequently, according to the teachings of Sogard, "the stent is neither bonded nor adhered to the respective layers, but is firmly held therebetween. The respective layers sandwiching the stent can be peeled apart without demonstrating any noticeable adherence to the stent surface." Sogard, column 4, lines 30-34. Since the layers that sandwich the stent in Sogard do not adhere to the stent surface, Sogard does not disclose a stent where the cover adheres to the interior surfaces of a plurality of struts, as in the present claims.

Furthermore, all of the claims, as amended, contain the limitation that the area between the covered struts is also covered. Reiss, on the other hand, discloses the

use of electric discharges to vaporize material from the surface of the stent, “leaving pits or voids, which cause the surface to be rough.” Then, “the pitted region of the surface, or a portion thereof, can be coated with a coating containing a therapeutic substance or substances, a polymer, or a combination of therapeutic substances and a polymer.” Reiss, column 2, lines 58-60. Since Reiss only teaches that the pitted region of the surface, or a portion thereof that is coated, Reiss does not disclose a stent where the area between the covered struts is also covered.

In sum, Sogard and Reiss do not disclose all of the limitations of the present claims. Therefore, the rejection of claims 1-4, 6-14, 16-30 and 31-32 should be withdrawn.

CONCLUSION

In view of the foregoing amendments and remarks, the Applicants submit that the claims define patentable subject matter and a Notice of Allowance is requested. Should questions exist after consideration of the foregoing, the Examiner is kindly requested to contact the Applicants' attorney at the telephone number given herein.

Respectfully submitted,

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